

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

J.S.T. CORPORATION,
Plaintiff,

Case No. 15-13842

vs.

HON. AVERN COHN

ROBERT BOSCH LLC, ET AL.,
Defendants.

ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT (DOC. 246)

This is a misappropriation of trade secrets case. Defendant has filed a motion styled:

Motion by Bosch LLC, Bosch GMBH, and Bosch Suzhou for Partial Summary Judgment on Count 1 of the Second Amended Complaint (Trade Secret Misappropriation).

(Doc. 246). The motion has been extensively briefed, including a document styled:

Joint Submission of: (1) Defendants' Statement of Facts in Support of Motion for Partial Summary Judgment and Plaintiff's Response to Statement of Facts and (2) Plaintiff's Statement of Facts in Support of its Response to Motion for Partial Summary Judgment and Defendants' Responses to Statement of Facts.

(Doc. 287). Given the well-known standard for granting a summary judgment motion, *i.e.* no genuine issue of material facts, the Court hesitates to find there is no genuine issue to support a granting of the motion.

The motion cites a confidential information and non-disclosure agreement and grant of license governing the parties exchange of information regarding the trade secrets asserted by plaintiff. A copy of this agreement is attached as Exhibit A. As the subject matter of the summary judgment motion, Bosch says as follows:

On February 28, 2006, JST emailed Bosch a 3D file that contained dimensions that JST has since asserted as trade secrets 1–63, 68–71 and 73–119. JST did not mark the file or the email sent to Bosch on February 28, 2006 as “Confidential” or “Proprietary,” nor did JST send Bosch any other communication indicating that the information in the 3D file was “Confidential” or “Proprietary” within 30 days or at any point thereafter, as required by the [Non-Disclosure Agreement] NDA.”

(Doc. 246, p. 2). Trade Secrets 1–63, 68–71 and 73–119, the subject matter of the motion, are described in “JST Corporations Identification of Trade Secrets” (Doc. 289). In that document, the description of the trade secrets cover pages 2–79 as follows

- Trade secrets 1–63, pages 2–33,
- Trade secrets 68–71, pages 35–37,
- Trade secrets 73–119, pages 38–61.

To correlate the 3D-drawing to the dimensions that encompass the identified trade secrets is a herculean task to say the least. The motion was filed November 14, 2018 and the complete trade secret list was identified on February 5, 2019. Nowhere in the parties’ papers is there a detailed correlation between the 3D-drawing and the trade secrets listed.

For the foregoing reasons, the motion for partial summary judgment is DENIED without prejudice.

SO ORDERED

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 3/5/2019
Detroit, Michigan